

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:20-CV-00654-FDW-DSC

**SARA J. GAST
CHEYENNE JONES,**

Plaintiffs,

v.

**BOARD OF DIRECTORS OF COCA-COLA CONSOLIDATED, INC.
CORPORATE BENEFITS COMMITTEE OF COCA-COLA CONSOLIDATED, INC.
COCA-COLA CONSOLIDATED, INC.
DOES,**

Defendants.

ORDER

THIS MATTER is before the Court upon the filing of Defendants' Written Objections to the Magistrate Judge's Order sustaining Plaintiffs' objections to discovery requests entered on August 30, 2021. (Doc. No. 51). Defendants object to the Magistrate Judge's Order pursuant to Fed. R. Civ. P. 72(a), which provides that district judges "must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed."

United States v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948).

Defendants object to the Magistrate Judge's Order refusing to compel production of "documents and communications related to investments outside the Plan" and "solicitation communications from attorneys related to this litigation. (Doc. No. 51, pp. 4, 6) The Magistrate

Judge sustained Plaintiffs' objections after reviewing one-page summaries submitted by the parties in support of their respective positions. See (Doc. No. 51, p. 3).

The Court has reviewed the summaries submitted by the parties, Defendants' objections, and applicable law. After such review, the Court has not come to the definite and firm conviction that a mistake has been committed. The Magistrate Judge's Order of August 30, 2021 is not clearly erroneous or contrary to law, and the Court DENIES Defendants' Objections.

IT IS SO ORDERED.

Signed: September 2, 2021


Frank D. Whitney
United States District Judge